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**UNITED STATES DISTRICT COURT****EASTERN DISTRICT OF TEXAS**

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MARLO D. PERSONS,

Plaintiff,

*versus*OFFICER NWANI, *et al.*,

Defendants.

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CIVIL ACTION NO. 9:22-CV-138

**ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Marlo D. Persons, a prisoner previously confined at the Wainwright Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. On April 24, 2023, the magistrate judge recommended dismissing the claims against Captain Olowomeye, Assistant Warden B. Johnson, and Executive Director Brian Collier as frivolous and for failure to state a claim pursuant to 28 U.S.C. § 1915(e). Proper notice was given to Plaintiff at his last known address. To date, the parties have not filed objections to the report.

The court received and considered the Report and Recommendation of United States Magistrate Judge pursuant to such referral, along with the record, pleadings and all available evidence. After careful review, the court finds that the findings of fact and conclusions of law of the United States Magistrate Judge are correct.

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the Report and Recommendation of United States Magistrate Judge (#15) is **ADOPTED**. Defendants Captain Olowomeye, Assistant Warden B. Johnson, and Executive Director Brian Collier are **DISMISSED** from this action.

SIGNED at Beaumont, Texas, this 14th day of August, 2023.

A handwritten signature in cursive script, reading "Marcia A. Crone".

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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE